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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNATHAN HOWARD KIGER,

Defendant and Appellant.

E065383

(Super.Ct.No. FVI1502674)

OPINION

APPEAL from the Superior Court of San Bernardino County. Colin J. Bilash,
Judge. Affirmed.

Lynelle K. Hee, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Johnathan Howard Kiger was charged by felony complaint with inflicting corporal injury on a spouse or cohabitant (Pen. Code,¹ § 273.5, subd. (a), count 1), criminal threats (§ 422, count 2), and dissuading a witness from testifying (§ 136.1, subd. (a), count 3). It also alleged that defendant had suffered one strike conviction. (§§ 1170.12, subds. (a)-(i) & 667, subds. (b)-(i).) The complaint was amended by interlineation to allege a new charge of attempted corporal injury to a spouse or cohabitant (§§ 664/273.5, subd. (a)) as count 4. Defendant entered a plea agreement and pled no contest to count 4 and admitted the prior strike. In exchange, the parties agreed to a two-year sentence in state prison and the dismissal of the remaining counts. The parties stipulated that the police reports provided a factual basis for the plea. The court sentenced defendant, in accordance with the plea agreement, to two years in state prison. The court neglected to dismiss counts 1 through 3 at sentencing, but subsequently ordered those counts dismissed.

Defendant filed a timely notice of appeal with a request for certificate of probable cause, which was denied. We affirm.

¹ All further statutory references will be to the Penal Code, unless otherwise noted.

PROCEDURAL BACKGROUND

Defendant was charged with, and pled no contest to, the allegation of attempted infliction of corporal injury to a spouse or cohabitant. (§§ 664/273.5, subd. (a).) He also admitted the allegation that he had one prior strike conviction. (§§ 1170.12, subds. (a)-(i) & 667, subds. (b)-(i).)

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and one potential arguable issue: whether defendant was properly advised of his constitutional rights and consequences of pleading guilty, and whether he voluntarily waived them. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
J.

We concur:

RAMIREZ
P. J.

CODRINGTON
J.